

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DAVE BRAINARD, an individual,)
JUSTIN FAGERHAUG pka DUSTIN)
EVANS, an individual, and TIM)
MATTHEWS, an individual,)

Case No. 3:07-0929
Judge Trauger

Plaintiff,)

v.)

PHIL VASSAR, an individual, CRAIG)
WISEMAN, an individual,)
PHYLVESTER MUSIC, INC., a)
Tennessee Corporation, BIG LOUD)
SHIRT INDUSTRIES, L.L.C., a)
Tennessee Limited Liability Company,)
SONY BMG MUSIC)
ENTERTAINMENT INC., including its)
divisions RCA LABEL GROUP and)
ARISTA NASHVILLE, a Delaware)
Corporation, and PROCTER &)
GAMBLE COMPANY, an Ohio)
Corporation,)

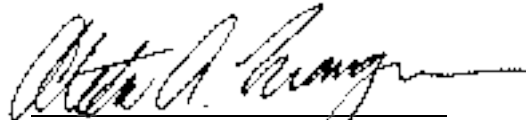
Defendants.)

ORDER

For the reasons expressed in the accompanying Memorandum, the defendants' Motion to Dismiss Counts 2, 4, 5, 6, 7, and 8 of the Plaintiffs' Complaint (Docket No. 24) is **GRANTED** in part and **DENIED** in part. Counts 2, 4, 6, 7, and 8 are **DISMISSED**, while Count 5 is **NOT DISMISSED**.

It is so ordered.

Enter this 12th day of June 2008.


Aleta A. Trauger
United States District Judge